

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NATHAN J. HUELLE,

Plaintiff,

V.

MARIO SAUCEDA, and
BERRI GORSUCH.

Defendants.

NO: 2:18-CV-0084-TOR

ORDER GRANTING DEFENDANT
MARIO SAUCEDA'S MOTION TO
DISMISS

BEFORE THE COURT is Defendant Mario Saucedo's Motion to Dismiss

for Failure to Serve (ECF No. 13). The Motion was submitted for consideration

without oral argument. Plaintiff Nathan J. Huelle has not filed a response to the

Motion. The Court has reviewed the briefing, the record, and files herein, and is

fully informed.

fully informed.

Defendant Mario Saucedo requests the Court dismiss Plaintiff's Complaint

against him because Plaintiff has not served Mr. Saucedo. ECF No. 13 at 3.

20 | Federal Rule of Civil Procedure 4(m) provides:

ORDER GRANTING DEFENDANT MARIO SAUCEDA'S
MOTION TO DISMISS ~ 1

1 If a defendant is not served within 90 days after the complaint is filed, the
2 court—on motion or on its own after notice to the plaintiff—must dismiss
3 the action without prejudice against that defendant or order that service be
made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

4 Plaintiff Nathan J. Huelle filed the “Amended Complaint” on March 5, 2018.
5 Huelle twice moved for an extension of time to serve the named defendants. The
6 Court granted both requests, extending the deadline for serving the defendants to
7 October 29, 2018. ECF Nos. 5; 7. Saucedo filed the Motion to Dismiss for Lack
8 of Service (ECF No. 13) on November 8, 2018. Huelle has not filed a Response,
9 nor is there any indication that Saucedo was ever served. Because Huelle has not
10 complied with the last order and has not responded to Saucedo’s Motion to Dismiss
11 (ECF No. 13), the Court will dismiss the action against Saucedo without prejudice.

12 **IT IS HEREBY ORDERED:**

13 Defendant Mario Saucedo’s Motion to Dismiss (ECF No. 13) is

14 **GRANTED.**

15 The District Court Executive is hereby directed to enter this Order, furnish a
16 copy to Plaintiff at his last known address, and adjust the docket accordingly.

17 DATED January 4, 2019.



18
19 A handwritten signature in blue ink that reads "Thomas O. Rice".
20 THOMAS O. RICE
Chief United States District Judge